



07/23/97

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Date of Deposit: July 23, 1997

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Kristie Chambers
KRISTIE CHAMBERS

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16/11/97
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RULE 62 APPLICATION TRANSMITTAL

Assistant Commissioner for Patents
FWC
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ Continuation ☐ Continuation-in-Part ☐ Divisional application, under 37 C.F.R. § 1.62 of pending prior application Serial No. 08/481,685 filed June 7, 1995, of Deane E. Galloway, Keith D. Lind, Dennis J. Kittel, George H. Walbrun, and Johnny Q. Zheng entitled MULTI-LAYER THERMOPLASTIC FILMS AND PACKAGES MADE THEREFROM.

The above-identified prior application, in which no payment in the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date accorded this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

☒ Enter the amendments previously filed on May 27, 1997 under 37 C.F.R. § 1.116 but unentered, in the prior application listed above.

☐ A Preliminary Amendment is enclosed.

☐ A verified statement claiming small entity status ___ is enclosed or ___ is on file in the prior application and such status is still proper and desired (37 C.F.R. § 1.28(a)).

The filing fee is calculated on the basis of the claims existing in the prior application as amended above:

			Small Entity			Large Entity	
	Number Filed	Number Extra	Rate	Fee		Rate	Fee
Basic Filing Fee				\$ 385	O R		\$ 770.00
Total Claims Filed	21 - 20	= 1	x 11	= \$ *		x 22	= 22.00
Total Independent Claims	3 - 3	= 0	x 40	= \$ *		x 80	= 0.00
<input checked="" type="checkbox"/> MULTIPLEDEPENDENT CLAIMS PRESENTED			+ 130	= \$ *		+ 260	= 0.00
* If the difference is less than zero, then enter "0".			TOTAL	\$ *		TOTAL	\$ 792.00

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- ☒ Please charge the appropriate filing fee of \$792.00 to Deposit Account No. 13-0206.
- ☐ A check in the amount of \$.00 to cover the filing fee is enclosed.
- ☐ To maintain copendency, a Petition for Extension of Time has been filed to extend the term in the pending prior application until _____. A copy of the Petition for Extension of Time in the prior application is attached.
- ☒ During the pendency of this application, a Provisional Petition is hereby made under 37 C.F.R. § 1.136(a) for any extension of time required to ensure that any papers due in the U.S. Patent and Trademark Office are timely filed. Please charge the appropriate extension fees to Deposit Account No. 13-0206. A duplicate copy of this communication is attached.
- ☒ Amend the specification by inserting before the first line, the following:

✓ This is a ☒ continuation ☐ continuation-in-part ☐ divisional application of application Serial No. 08/481,685 filed June 7, 1995. *now abandoned*

- ☒ This application discloses and claims only subject matter disclosed in the prior application(s). The inventor(s) in this application are:
- ☒ the same.
- ☐ less than those named in the prior application and it is hereby requested that the following inventor(s) identified above for the prior application be deleted: _____.
- ☐ This application discloses and claims additional subject matter by amendment. A new declaration or oath ☐ is attached ☐ will be filed. With respect to the prior application, the inventors in this application are:
- ☐ the same.
- ☐ less than those named in the prior application and it is hereby requested that the following inventor(s) identified above for the prior application be deleted: _____.
- ☐ Attached is a Petition to Suspend Prosecution For the Time Necessary to File an Amendment (New Application Concurrently Filed Herewith).
- ☒ The prior application is assigned of record to American National Can Company by assignments recorded on December 4, 1995 at Reel 7731 and Frame 0263.
- ☐ Priority of Application Serial No. ___, filed on ___ in [country] is claimed under 35 U.S.C. § 119. A certified copy ☐ is enclosed or ☐ is on file in the prior application.
- ☒ The power of attorney in the prior application is to Thomas A. O'Rourke, Reg. No. 27,665. The prior application was recently transferred to the below-signing attorney. A new power of attorney will be forwarded shortly.
- ☐ Recognize as associate attorney ____.
- ☐ Other:

CORRESPONDENCE ADDRESS: Please direct all correspondence to: Margaret M. Duncan, MCDERMOTT, WILL & EMERY, 227 W. Monroe Street, Chicago, IL 60606; Telephone: (312) 372-2000.

AUTHORIZATION TO CREDIT OVERPAYMENT OR CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge any deficient fees or credit any overpayment of fees under 37 C.F.R. § 1.16 (filing fees) or 37 C.F.R. § 1.17 (application processing fees) that may be required now or during the pendency of this application to Deposit Account No. 13-0206. The Commissioner is not authorized to charge the issue fee unless/until an issue fee transmittal form is filed.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Date: July 23, 1997

By: Margaret M. Duncan
Margaret M. Duncan
Registration No. 30,879

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Best Available Copy

Docket No. PA 1239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Galloway et al.
SERIAL NO.: 08/481,685 Group Art Unit: 1315
FILED: June 7, 1995 Examiner: Kyriakou
FOR: MULTILAYER THERMOPLASTIC FILMS
AND PACKAGES MADE THEREFROM

BOX: AF
Asst. Commissioner of Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in an
envelope addressed to:
Commissioner of Patents and Trademarks,
Washington, D.C. 20231, on the date shown below.

(Registration No. 38,364)

TRANSMITTAL LETTER to: May 23, 1997

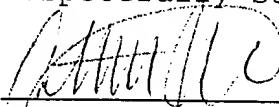
Dear Sir:

Please file the enclosed items.

1. Petition Under 37 C.F.R. §1.136(a);
2. Amendment;
3. Declaration of Prior Invention to Overcome Cited Patents Under 37 C.F.R. §1.131;
4. Notice of Appeal;
5. Check in the amount of \$930.00 for the Petition;
6. Check in the amount of \$300.00 for the Notice of Appeal.

If any additional fee is required or if any excess fee is paid, please charge or credit Account No. 23-3428.

Respectfully submitted,


Catherine J. Winter
Reg. No.: 38,364
Wyatt, Gerber, Burke & Badie, LLP
99 Park Avenue
New York, New York 10016
(212) 681-0800